

REMARKS

This Amendment is in response to the Office Action mailed October 17, 2008. In the Office Action, claims 13 and 15-17 have been rejected and claims 21-25 have been withdrawn from consideration as being directed to a non-elected invention. Reconsideration in light of the remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 13 and 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,301,926 issued to Dietrich, et al. ("Dietrich") in view of U.S. Patent No. 7,079,850 issued to Cameron ("Cameron"). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988)*. Herein, the combined teachings of the cited references fail to describe or suggest all of the claim limitations.

Dietrich and Cameron, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) placing an address of the station into a list identifying stations located in a potential coverage hole if none of the plurality of access points computes a RSSI value of the management message above the second RSSI threshold; and (2) removing the address of the station from the list if one of the plurality of access points computes the RSSI value of the management message above the first RSSI threshold, as recited in claim 13.

Dietrich merely discloses the central control element 80 including a stats collector 84 which maintains a histogram of signal strength on a per-access-element basis based on the signal strength information (Dietrich, col. 8, lines 51-58, Figure 4). After the client histogram for an

access element is computed, coverage analysis module 80 then determines whether the level of coverage reflected by the histogram meets a minimum coverage profile configured by a network administrator. The minimum coverage profile specifies what percentage of the histogram samples should be above a specified threshold level (e.g., received signal strength, SNR, etc.). For example, a network administrator may specify that 95% of the estimated client samples should be above -70 dBm (Dietrich, col. 9, lines 53-62). The central control element 24 transmits a notification to the network administrator if the minimum coverage profile is violated (Dietrich, col. 9, lines 64-66).

In contrast, claim 13 recites “placing an address of the station into a list identifying stations located in a potential coverage hole if none of the plurality of access points computes a RSSI value of the management message above the second RSSI threshold.” Applicant respectfully submits that transmitting a notification that the minimum coverage profile is violated is not the same as “placing an address of the station into a list identifying stations located in a potential coverage hole.” Accordingly, Dietrich fails to teach this element of the claim 13.

Moreover, Dietrich merely discloses that coverage analysis as to each access element may be based on percentage of mobile stations below a threshold signal strength level. Stats collector 84 maintains, for each access element, a list of identifiers (e.g., MAC addresses) of the remote client elements that have established wireless connections. Stats collector 84, as to each mobile station identifier in the list, maintains the detected signal strength values associated with each packet corresponding to the remote client elements (Dietrich, col. 10, lines 7-16). By placing all the remote client elements for each access element in the list in Dietrich, one cannot determine from this list which “stations are located in a potential coverage hole.” Accordingly, the list in Dietrich identifies the remote client elements for each access element and thus, cannot be “a list identifying stations located in a potential coverage hole”, as recited in claim 13.

Furthermore, Dietrich merely discloses that a separate process scans the list of mobile station identifiers and deletes the entries where no activity has been detected after a threshold period of time as to that access element. (Dietrich, col. 10, lines 26-29). In contrast, as discussed above, the list identifies “stations located in a potential coverage hole” in the present invention. Applicant respectfully submits that stations where no activity has been detected are more likely

to be in a potential coverage hole. Since Dietrich teaches deleting the entries for these stations wherein no activity has been detected from the list while the present invention teaches maintaining a list identifying stations located in a potential coverage hole, Dietrich, in fact, teaches away from the present invention.

In addition, claim 13 states “removing the address of the station from the list if one of the plurality of access points computes the RSSI value of the management message above the first RSSI threshold”. Since the deletion of the entry from the list is based on a period of time of inactivity in Dietrich rather than a RSSI value being above the first RSSI threshold, Dietrich fails to disclose this element of the claim.

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 13 and 15-17 under 35 U.S.C. §103(a) as being unpatentable over Dietrich in view of Cameron.

Elections/Restrictions

The Examiner has withdrawn newly submitted claims 21-25 from consideration as being directed to a non-elected invention.

Conclusion

Applicant respectfully requests that the Examiner reconsider the rejections and issue a timely Notice of Allowance.

Respectfully submitted,

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